



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

October 27, 2004

SUBJECT: **2004-0776** – Application on a 6,578 square-foot site located at **450 East Arbor Avenue** in an R-0 (Low Density Residential) Zoning District. (APN: 204-14-029) AM

Motion Use Permit to allow a 78 square-foot twelve-foot high accessory utility building (playhouse) in the front yard.

REPORT IN BRIEF

Existing Site Single Family Residence

Conditions

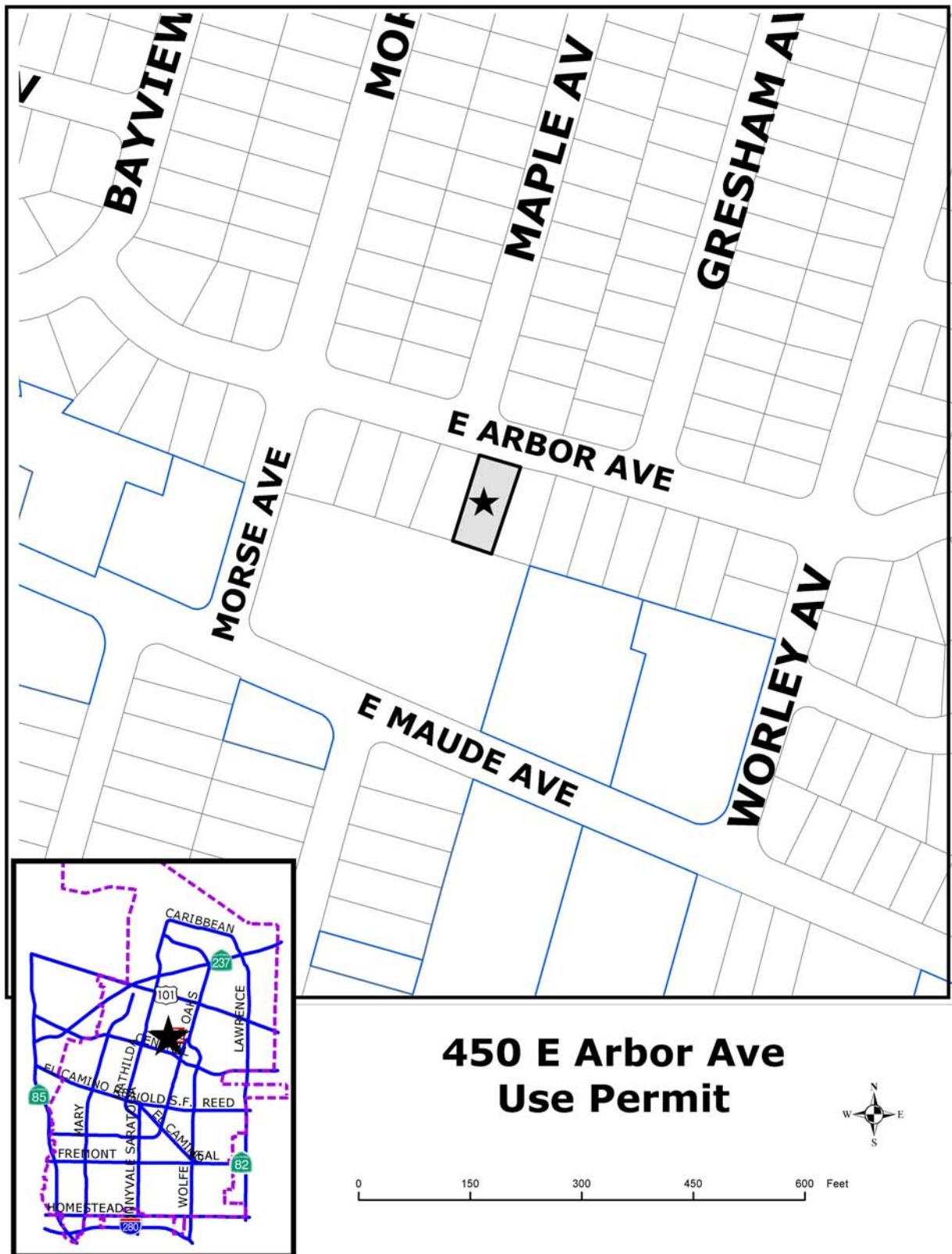
Surrounding Land Uses

North	Single Family Residential
South	Religious Institution
East	Single Family Residential
West	Single Family Residential

Issues Neighborhood Compatibility

Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Denial



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	RL0	Same	---
Zoning District	R0	Same	---
Lot Size (s.f.)	6,578 s.f.	Same	6,000 s.f.
Gross Floor Area (s.f.)	1,440 s.f.	1,518 s.f. (78 s.f. playhouse)	2,960 s.f. max.
Lot Coverage (%)	22%	23%	45% max. without PC review
Floor Area Ratio (FAR)	22%	23%	45% max.
Building Height (ft.) (Playhouse)	N/A	12'-3"	15'-0" max.
No. of Stories	1	1	2 max.
Setbacks (facing prop.) (Playhouse)			
• Front	N/A	25'-6"	20' min.
• Left Side	N/A	38'-0"	8' min.
• Right Side	N/A	5'-6"	4' min.
• Rear	N/A	82'-0"	10' min.
Parking			
• Total No. of Spaces	4	4	4 min.
• No. of Covered Spaces	2	2	2 min.

ANALYSIS**Background**

Previous Actions on the Site: The applicant submitted the Use Permit application because of code enforcement action regarding the subject structure which was built without planning or building permits.

Description of Proposed Project

The applicant is proposing to legalize a playhouse castle structure in the front yard of the property. A Use Permit is required for any accessory structure located in the front yard of a residential property.

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions include accessory structures and garages.

Use Permit

Use: The playhouse structure was constructed without permits. The applicant is now proposing to legalize the structure with a Use Permit.

The structure is designed as a castle playhouse and is built above ground, with no footing or foundation. The structure has no electricity or plumbing.

Site Layout: The playhouse structure is 78 s.f. in size, 12'-3" high. It is located 25'-6" from the front property line and 5'-6" from the closest side property line. It is also located outside the required front yard area. The castle is partially screened from the street by an existing 20-25' pine tree located directly in front of the structure. The playhouse consists of the castle only, no other play equipment (slides, ladder, etc.) will be located outside the structure.

According to the applicant, the structure was placed in the front yard because it will be relocated intact off the property in May 2006. The applicant is open to a condition requiring removal of the structure at that time.

The following Guidelines were considered in analysis of the project site design.

Design Policy or Guideline (Site Layout)	Comments
<i>City-wide Design Guidelines Accessory Utility Buildings D1: Accessory buildings must comply with the requirements of Section 19.40 of the Sunnyvale Municipal Code</i>	The proposed structure complies with the SMC.

Architecture: The existing house was constructed in 1950 and consists of a single-story with wood siding and brick accents. The playhouse structure is

designed as a castle, with faux turrets, and a small tower on top. This whimsical architecture is not consistent with the neighborhood, although the intention of the design as a playhouse is in keeping with the residential character of the area.

The playhouse is constructed of wood with a neutral color faux brick siding which is generally consistent with the existing house. The view of the playhouse from the street is partially screened by silk ivy vines attached to the castle walls and an existing pine tree in front of the structure.

The following Guidelines were considered in the analysis of the project architecture.

Design Policy or Guideline (Architecture)	Comments
<i>Sunnyvale Single Family House Design Techniques</i> <i>3.10 Accessory Structures</i> <i>b. Accessory structures should use the same wall, roof and trim materials as the main structure.</i>	Although the playhouse is similar color as the existing house, the castle design is not consistent with the house or the surrounding neighborhood.

Parking/Circulation: The project meets the SMC parking requirements for two enclosed and two unenclosed parking spaces.

Compliance with Development Standards

The proposed playhouse complies with required development standards, including building setbacks and maximum height limits. The accessory use design is unique, but obviously accessory to the main residential use on the property.

Staff was able to find an approved playhouse structure located in the front yard area from 2000. In general, staff is less concerned with the playhouse use in the front yard as with the design incompatibilities. Staff would be able to approve the structure if it was located in the rear yard, where these types of uses are usually found.

Although the playhouse structure is a temporary use, staff cannot justify the playhouse design because of its incompatibility with the area. The playhouse structure came to the City's attention because of a neighbor complaint; however, several neighbors have supported the project (Attachment F).

Expected Impact on the Surroundings

No significant impacts to the surrounding properties are expected as a result of this project. The greatest impact of the playhouse would be to the house located to the right of the property, which has a relatively unobstructed view of the structure.

Findings, General Plan Goals and Conditions of Approval

Staff was unable to make the required Findings for the Use Permit. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • Thirteen notices mailed to the adjacent property owners of the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website • Recorded for SunDial

Alternatives

1. Deny the Use Permit.
2. Approve the Use Permit with the conditions listed in Attachment 2.
3. Approve the Use Permit with modifications.

Recommendation

Alternative 1.

Prepared by:

Andrew Miner
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Site Photos
- E. Justifications from Applicant
- F. Letters from Neighbors

Recommended Findings - Use Permit

1. The proposed use does not fully attain the objectives and purposes of the General Plan of the City of Sunnyvale as the follows:

Land Use and Transportation Element

Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

Action Statement N1.1.1

Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

The playhouse is located in the front yard of the property, which is unique. These types of uses are usually located in the rear of the property. The use is, however, consistent with a residential neighborhood. The design of the playhouse, however, is not compatible with the neighborhood.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as follows:

The playhouse creates a visual impact from Arbor Avenue, although it is mitigated by the large pine tree in front of the structure. Playhouses and other similar accessory structures are discouraged to be placed in the front yard in order to maintain consistency in the neighborhood design. Also, the issue of creating precedence for similar structures and uses is a concern.

Recommended Conditions of Approval – Use Permit

Staff was unable to make the required Findings for the Use Permit. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the following Conditions of Approval.

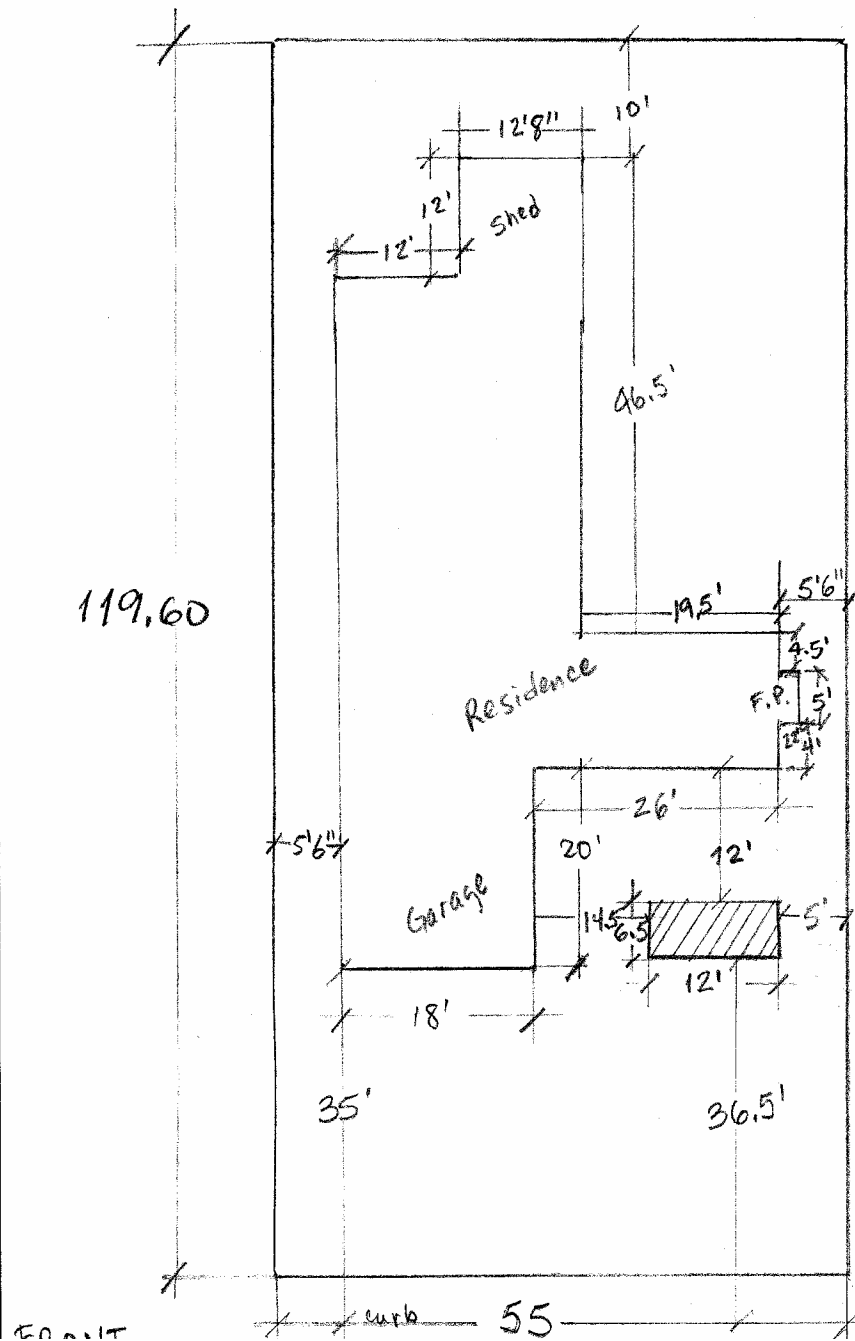
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

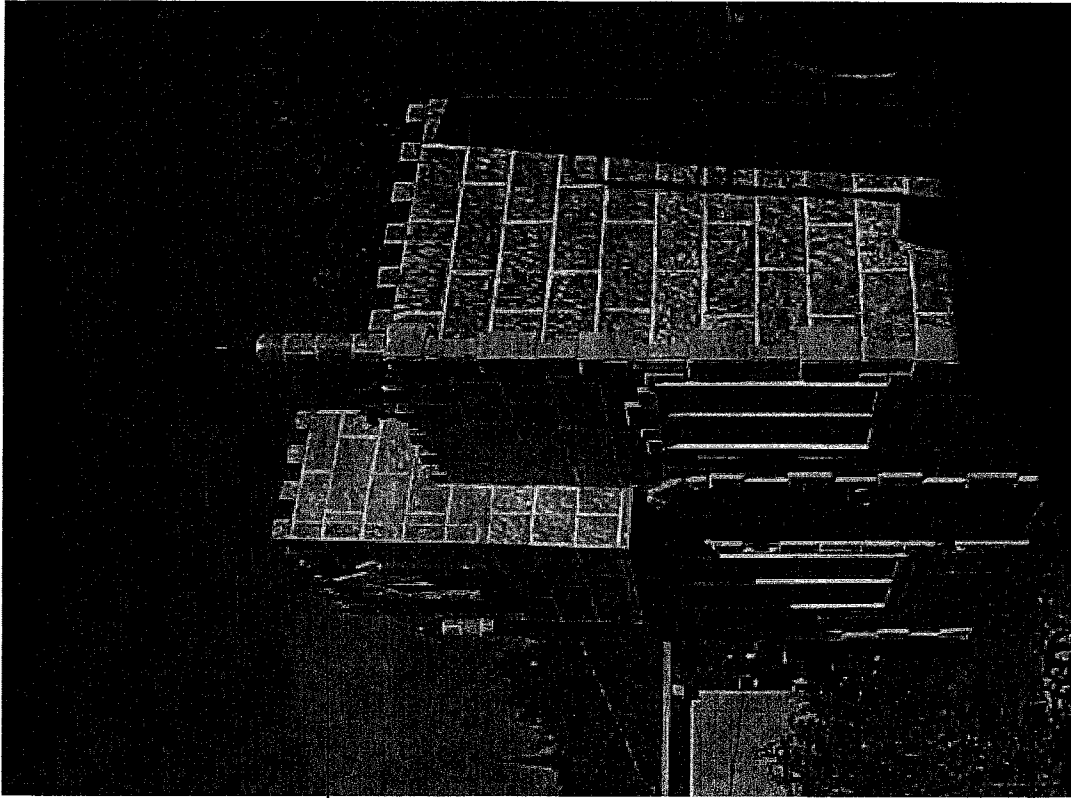
1. The approval is for a 78 square-foot twelve-foot high accessory utility building (playhouse) in the front yard.
2. The permit shall expire on May 31, 2006, at which time the entire structure will need to be removed.
3. The structure shall maintain a similar color as the main house and shall not be expanded in size, height, nor be relocated without prior approval from the Director of the Community Development Department.

REAR

Scale $\frac{3}{4} = 1'$

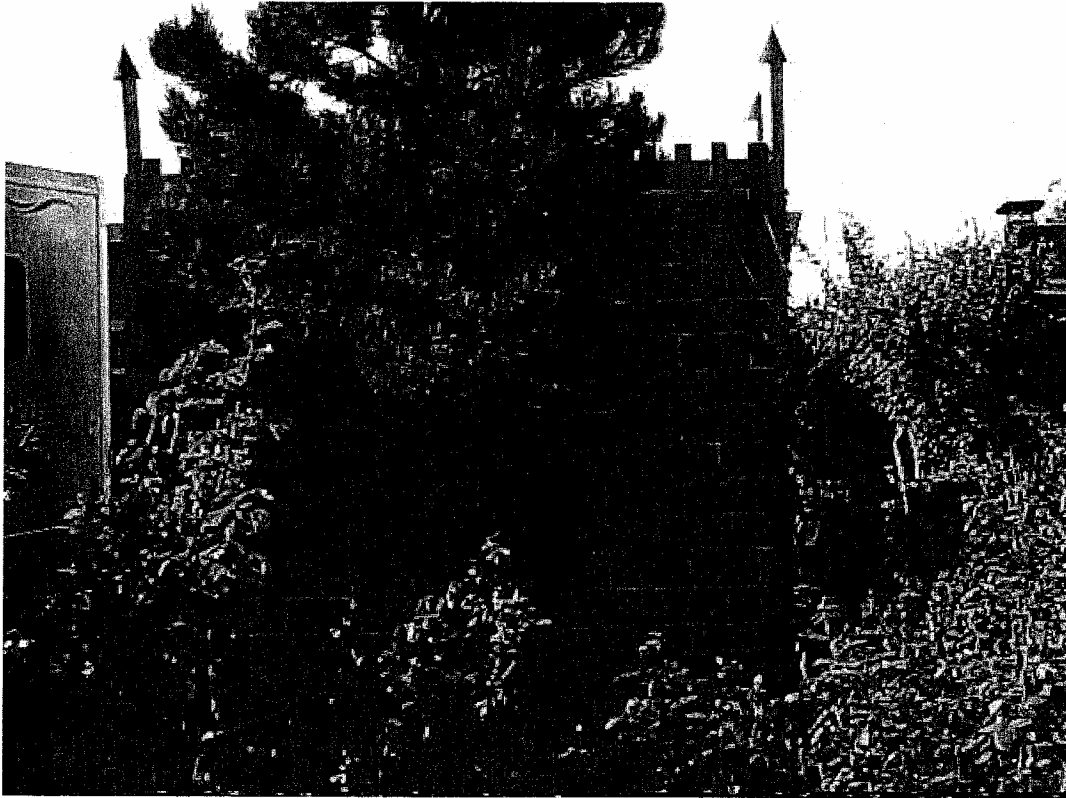


END

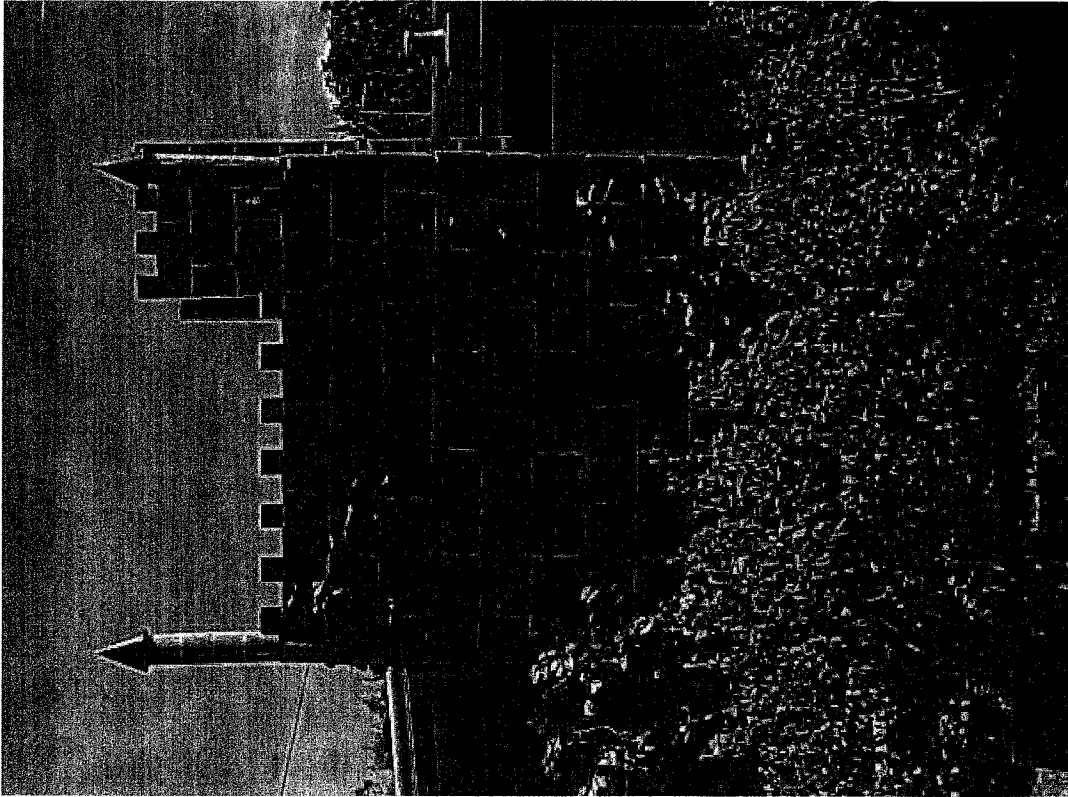


facing
450 E. Arbor
Residence

12'3"



View from sidewalk to playhouse rear only
(Not all of residence + garage is shown)



Side view from
neighbor's entrance



View from street

USE PERMIT JUSTIFICATIONS

The Municipal Code states that at least one of the following two justifications must be met before granting the Use Permit. Illustrating how your project meets at least one of the below criteria will assist the City in reviewing your proposal. Use this sheet or a separate sheet of paper to show how the proposed use:

- 1) attains the objectives and purposes of the General Plan of the City of Sunnyvale,

- or --
- 2) is desirable and not materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the zoning district.

This playstructure (castle) is a temporary building that will be moved away on May 2006 as we will list to sell our property on June 2006 + purchase our retirement home. This structure is built above ground (does not have a footing or foundation) and is built solid with all new materials to building code standards, it does not have electricity. It currently has locking capability so people do not wonder inside it. The building is a similar color to the residence (earth tone colors/grays) sits behind trees so it does not stand out. My husband and I have been working on this project and we have gotten many compliments and positive feedback on this building. We hope it can remain for the time requested as it is my 6 year old dream & wish for her birthday and 2nd set of eye operations to both her eyes due to a birth condition (Strabismus) in which she was born almost blind and will have her 2nd set of operations on November 17 2004.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

Dear Sir -
I live at 560 Sherborn
and I have seen the castle being
built and I think it's beautiful
I have no problem with the
castle being @ 450 E Arbor.

Thank You
Frances Staudenra
(708) 737-9706

RECEIVED

OCT 14 2004

PLANNING DIVISION

RECEIVED

OCT 14 2004

PLANNING DIVISION

City of Sunnyvale
Mr. Andrew Miner,
Project Planner

ATTACHMENT F

Page 2 of 4
OCT. 12, 2004
550 Maple Ave.
Sunnyvale, Ca 94086

Re: File Number 2004-0776
Location: 450 East Arbor Ave (APN 204-14-029)
Proposed Project: Application for a Use Permit on
a 6,578 sq. ft. Site To allow
a 12-foot high accessory
utility building (playhouse) in
The front yard.

I moved into 550 Maple Ave in 1961.
I have watched many Families come and go
who were not Friendly, Noisy and occasionally
undesireable neighbors.

The Vargas Family is caring, Attentive To
Their elderly neighbors and most of all,
very concientious regarding Their children,
Their playhouse is beautiful and shows
a great deal of love put in Through each
square inch of work. There would be less need
for prisons if all parents had been so busy
working with and for Their children. Respectfully
Leda G. Gray

ATTACHMENT F

Page 3 of 14

Dear Sir,

Ref: [illegible]

As a response to the letter of
4/8/04 and to have no objection
to the fly route at the rear
of the house.

Yours faithfully,
Gavin Dyer
598 N/A 2nd
Surrey

RECEIVED

OCT 14 2004

PLANNING DIVISION

ATTACHMENT E

Page 4 of 14

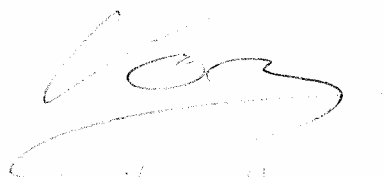
RECEIVED

OCT 14 2004

PLANNING DIVISION

Vargas Family
450 E. Arbor Ave

Playhouse is very nice. I do not mind they're
good neighbors
I live at 456 E. Arbor Ave



Vargis

OCT 14 2004

HAWKING BUREAU

David Richardson
594 Maple Ave
Sunnyvale Ca 94085

The Ford in the front yard is
wonderful, the kids love it, then
and everyone's. I have a family with
kids, and a happy place for all of them.

Sincerely,
David Richardson

To Whom it May Concern,

My name is Sam Perry, the
Next Door Neighbor To The 450 E. Arbor
"Castle" play house. We see
no problem with its construction,
placement, or use.

426 E. Arbor Ave
Sunnyvale.

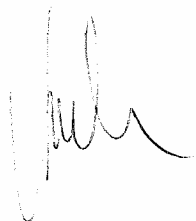
Thanks,
Sam Perry

I LIKE THE CASTLE AT 45 E. ARBOR

ANDREW PAWLOWSKI

460 E. ARBOR AVE

SUNNYVALE, CA 94085



10/13/04

Vargas family
450 EAST ARBOR

I am a neighbor and
have lived on Arbor Ave for 48'.

I do not object to the address
Carte these neighbors have lived
on the front yard.

So as it is to be its
neatly.

Jeanne E. Little

432 E. Arbor Ave.

Menlo Park, Ca. 94025

2-18-04

I am a neighbor of the
Vargas family at 450 E. Arbor.
I do not object to the play
structure on their property!

Amy Schenck
583 Maple Ave
Sunnyvale

Oct 10, 2004

to remove all May concerns.

I do not have any objection
to the saddle playground at
450 East Arbor.

Sincerely,
Kathleen Moseley

Kathleen Moseley
508 Freshman Ave.

I DO NOT MIND THE CASTIC IN
FRONT OF 430 E RNTZEN IT LOOKS
COOL IF YOU HAVE ANY QUESTIONS
PLEASE CALL 390-1376

MARK TREJUBALSKI
593 MAPLE AVE
SUNNYVALE CA 94020

10/18/04

To whom it may concern
City of Sunnyvale,

We, (The Nowlin Family), live
at 468 E. Arbor Ave - a few
houses down from the Vargas
family. They are a great
family and we do not
have any issue with the
small playhouse in their
front yard.

Thank you

Bill & Debbie Nowlin
468 E. Arbor Ave
Sunnyvale
(408) 734-2675

10/18/00

ATTACHMENT F

Page 13 of 14

To Whom It May Concern:

I live at 581 Maple Avenue
which is close to 480 E. Arden Ave.
I do not object to the Castle Play
house in fact I think it is
a nice family friendly structure
and is totally appropriate.

Stephanna Cole
581 Maple Ave
Srale

ATTACHMENT F
Page 14 of 14

Andrew Miner - RE: Public Notice - 450 E. Arbor Avenue

From: "pmbc" <pmbc@earthlink.net>
To: "Gloria Barron" <GBarron@ci.sunnyvale.ca.us>
Date: 10/12/2004 5:22 PM
Subject: RE: Public Notice - 450 E. Arbor Avenue
CC: "Andrew Miner" <AMiner@ci.sunnyvale.ca.us>

Thank you for taking time to send this to me. I am very impressed with your thoughtfulness.

I do have a question for Andrew. It was my impression that work on the playhouse was on hold pending disposition of this permit, yet this playhouse now is completed and decorated with ghosts and spiders hanging off the ivy. It seems apparent to our neighbor that if you build a gaudy castle in your front yard, the city will approve, regardless of the laws or what it does to the resale value of the homes in the neighborhood...(yet I got written up when my gardener left the green toter in the side yard!)

Talking with other neighbors, we are reluctant to face him directly for fear of what he may build in our front yards. It will be interesting to see what the disposition of the permit will be, but does this open the door for others? I wonder. Are there other neighborhoods where such permits have been allowed?

Thanks.

-----Original Message-----

From: Gloria Barron [mailto:GBarron@ci.sunnyvale.ca.us]
Sent: Tuesday, October 12, 2004 4:41 PM
To: pmbc@earthlink.net
Cc: Andrew Miner
Subject: Public Notice - 450 E. Arbor Avenue

Hello,

Attached is a public notice regarding the Use Permit on 450 E. Arbor Avenue. This item is scheduled for Administrative Hearing on Wednesday, October 27 at 2:00 p.m. Please call Andrew Minor at 408-730-7707 if you have any questions.

Thank you,

Gloria Barron
City of Sunnyvale
Planning Division
Staff Office Assistant
408-730-7453
408-328-0710 Fax